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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,936	03/12/2001	Paul R Mort III	7275/JB	7249

27752 7590 08/07/2002

THE PROCTER & GAMBLE COMPANY
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EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 08/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,936

Applicant(s)

MORT III ET AL.

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- ☐ Interview Summary (PTO-413) Paper No(s) _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

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Claim Rejections - 35 USC § 112

1. Claims 2-5 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 lacks support for “the mixing zone (line 4) and “the viscous surfactant paste” (line 5) with respect to claim 1.

Claim 5 lacks support for “the second mixer” (line 2) with respect to claims 3, 2 and 1.

Claim 8 lacks support for “the agglomeration mixer” (line 4) with respect to claim 1.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor

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and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorset et al. (US Patent No. 5,486,317), hereinafter "Dorset".

Dorset teaches a process for making a detergent particle which comprises neutralization of the acid form of an anionic surfactant in a high shear mixer having a residence time from 5 to 30 seconds by a stoichiometric excess of finely divided particulate neutralizing agent having an average particle size of less than 5 μm (see abstract; col. 5, lines 15-16). The granules made by the process are suitable for further processing into detergent agglomerates which includes further mixing in a moderate speed granulator having a residence time from 1 to 10 minutes and wherein additional liquid or powder streams may optionally be added to the moderate speed granulator, for example, additional anionic surfactants (as neutralized salts) like alkyl sulfates (see col. 5, lines 35-51; col. 3, line 29 to col. 4, line 3). Dorset also teaches that some of the components used as binders may be handled in solid form in which case they should be considered as part of the powder stream rather than liquid binders (see col. 4, lines 65-67). Dorset also teaches that the ratio of liquid ingredients (anionic surfactant acids and binders) to powder ingredients is from 1:1 to 1:4 (see col. 5, lines 1-6). Dorset, however, fails to disclose the tip speed of the mixing tool

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and cutting elements of the moderate speed mixer, the apparent yield stress of the surfactant paste binder and the mean particle size of the resulting detergent particles.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the tip speed of the mixing tool and cutting elements of the moderate speed mixer, the apparent yield stress of the surfactant paste binder and the mean particle size of the resulting detergent particles to be within those recited because similar moderate speed mixer, similar binder and similar process steps of neutralizing anionic surfactant acid in a high shear mixer followed by moderate speed mixing with additional binder have been utilized.

5. Claims 1-4, 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sikra et al. (WO 97/32954), hereinafter "Sikra".

Sikra teaches a neutralization process for making a high density detergent composition which comprises the steps of first, blending secondary (2,3) alkyl sulfate with a detergency builder like carbonates to form a homogeneous powder, next the homogeneous powder is mixed with a liquid acid precursor of C₁₀₋₂₀ linear alkylbenzene sulfonate in a high speed mixer/densifier from about 1 to 30 seconds, optionally further mixing in a moderate speed mixer/densifier from 0 to 10 minutes, cooling to form a detergent composition having a density of at least about 650 g/l and a median particle size from about 300 microns to about 600 microns (see page 13, lines 1-21). Sikra also teaches that the neutralization process can comprise the additional step of spraying an additional binder like anionic surfactants in the mixer/densifier(s) used in the agglomeration step

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to facilitate production of the desired detergent agglomerates (see page 13, lines 29-34). The agglomerated detergent composition comprises at least about 1% by weight of a detergency builder (see page 14, lines 24-25). Sikra, however, fails to disclose the tip speed of the mixing tool and cutting elements of the moderate speed mixer and the apparent yield stress of the surfactant paste binder.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the tip speed of the mixing tool and cutting elements of the moderate speed mixer and the apparent yield stress of the surfactant paste binder to be within those recited because similar moderate speed mixer and similar binder have been utilized.

6. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. These references are considered cumulative to or less material than those discussed above.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Technology Center is:

(703) 872-9311 - for Official After Final faxes
(703) 872-9310- for all other Official faxes.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

August 5, 2002

Lorna M. Douyon
Lorna M. Douyon
Primary Examiner
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